

Express Mail No: EL913299804US
Attorney Docket: Heska USNP

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In Re the National Phase Application of: Heska Corporation

Serial Number: (original) US 09/408,584 New: _____
(PCT) PCT/US00/26870

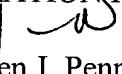
Filed: (original US) 29 September 1999 New: _____
(PCT) 29 September 2000

For: Intranasal Delivery System

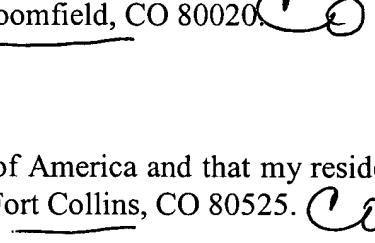
DECLARATION FOR PATENT APPLICATION

This Declaration is made by Steven J. Penner and Randal W. Sebring.

I, Steven J. Penner, hereby declare:

- I am a citizen of the United States of America and that my residence and mailing address is: 924 East 6th Avenue, Broomfield, CO 80020. 

I, Randal W. Sebring, hereby declare:

- I am a citizen of the United States of America and that my residence and mailing address is: 2706 Stockbury Drive, Fort Collins, CO 80525. 

We believe that we are the original, first, and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled "Intranasal Delivery System;" and:

- United States Application Number 09/408,484 filed September 29, 1999 (the "Original US Application") originally entitled "Intranasal Delivery System", and
- PCT Application Number PCT/US00/26870, filed on September 29, 2000, entitled "Intranasal Delivery System" designating the United States of America;

the specification(s) of which have been provided to us at or prior to the time of signing this declaration, and of which we hereby claim the benefit and priority pursuant to 35 U.S.C §§119, 120, or 365; there are no foreign applications having a filing date before that of the application(s) on

which priority is claimed; and, if applicable, we have identified in the request of this application, in compliance with PCT Rule 4.10, any claim to foreign priority and we have identified above by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed.

We acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56(a). Further, insofar as the subject matter of any claims of this application was not disclosed in the prior United States or PCT International application we acknowledge the duty to disclose information which is known to be material to patentability as defined in Title 37, Code of Federal Regulations 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby grant the firm of Santangelo Law Offices, P.C., the power to insert on this Declaration any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent Office or any foreign patent office including but not limited to inserting the application number, or the filing date of the above-entitled United States Patent Application based upon the Invention.

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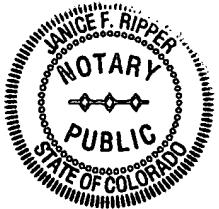
Date: March 4, 2002

Steven J. Penner

UNITED STATES OF AMERICA)
STATE OF COLORADO)
COUNTY OF BOULDER)

SUBSCRIBED AND AFFIRMED OR SWORN to before me in the County of BOULDER, State of Colorado, United States of America by Steven J. Penner, on this 4th day of MARCH, 2002.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.



Notary Public
Address:

My Commission Expires: Nov. 22, 2003

Janice F. Ripper
5370 MANHATTAN CIRCLE
BOULDER, CO 80303

Date: 3-21-02

Randal W. Sebring

Randal W. Sebring

UNITED STATES OF AMERICA)
STATE OF COLORADO)
COUNTY OF LARIMER)

SUBSCRIBED AND AFFIRMED OR SWORN to before me in the County of LARIMER, State of Colorado, United States of America by Randal W. Sebring, on this 21st day of MARCH, 2002.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.

Notary Public
Address:

My Commission Expires: Nov. 22, 2004

Susan A. Gordon
342 Sunmountain Dr.
Loveland, CO 80538

unsp-decl

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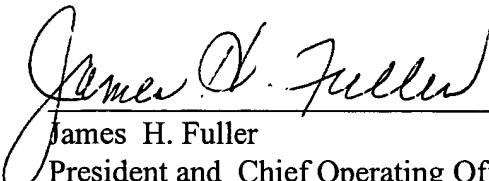
For: Intranasal Delivery System

POWER OF ATTORNEY

I, James H. Fuller, President and Chief Operating Officer, Heska Corporation, hereby appoint Santangelo Law Offices, P.C., whose mailing address is 125 South Howes, Third Floor, Fort Collins, Colorado 80521, including Luke Santangelo, whose registration number before the United States Patent and Trademark Office is 31,997, Craig R. Miles, whose registration number before the United States Patent and Trademark Office is 45,954, and Alfred K. Wiedmann Jr., whose registration number before the United States Patent and Trademark Office is 48,033 as Heska Corporation's attorney(s)/agent(s) to prosecute this application entitled "Intranasal Delivery System" and to transact all business in the Patent Office connected therewith. The undersigned acknowledges that the agent(s) appointed are attorneys for the assignee, Heska Corporation, only.

Dated this 21st day of March, 2002.

By:


James H. Fuller
President and Chief Operating Officer
Heska Corporation